



U.S. Department
of Transportation
**Federal Highway
Administration**

288096

April 21, 2004

400 Seventh St., S.W.
Washington, D.C. 20590

Refer to: HSA-10

Mr. David A. McKee
American Traffic Safety Services Association
15 Riverside Parkway, Suite 100
Fredericksburg, Virginia 22406-1022

FHWA-2003-15149-1

DEPT OF TRANSPORTATION
DOCKETS

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Dear Mr. McKee

Thank you for the letter of April 1, 2004, requesting information on the Federal Highway Administration's (FHWA) planned rulemaking on minimum levels of retroreflectivity for traffic signs.

In your letter, you requested an interpretation as to whether the proposed rulemaking would be considered an unfunded mandate under the Unfunded Mandates Reform Act of 1995. The FHWA is still in the process of developing its proposed rulemaking document concerning minimum retroreflectivity guidelines for traffic signs. This document will address, among other things, FHWA's preliminary determination of the applicability of the Unfunded Mandates Reform Act of 1995. The FHWA plans on publishing the proposed rulemaking document soon, and encourages the American Traffic Safety Services Association (ATSSA) to submit comments to the docket during the comment period for the proposed rulemaking.

Your letter also asked FHWA to provide you with "all available financial resources that can be used to insure that traffic signs are legible during hours of darkness." The FHWA cannot address specifically what State, local, and private funds may be available for sign work. However, sign installation, upgrading, and sign management (inspections, inventories, software, etc.) are eligible activities for Federal funding under the following programs:

- Surface Transportation Program (STP);
- Interstate Maintenance Program;
- National Highway System; and
- Highway Safety Programs (23 U.S.C 402) (sign management- all road systems; sign installation- only off-system roads).

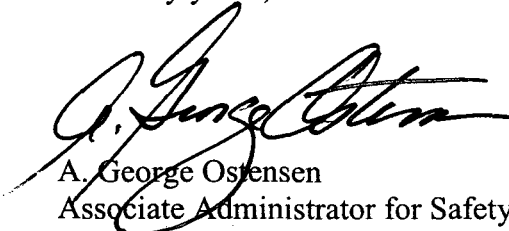
Please keep in mind that these program funds are administered by FHWA, through the States, and are used by the States to also finance their highway environmental, design and construction programs. As a result, the use of these funds must be balanced to meet



many needs, and the States have historically maintained authority to direct the use of Federal-aid highway funds to best meet their transportation priorities, consistent with FHWA eligibility requirements.

Please let me know if we can be of further assistance.

Sincerely yours,



A. George Ostensen
Associate Administrator for Safety

FHWA:HSA-10:PHatzi:tb:x68036:4/19/04

File: ATSSA(Sign Eligibility).wpd

cc: HSA-10 (Reader, HSA-1; Chron File, HSA-10; P.Hatzi, HSA-10;
N.Fleury, HCC-10; K.Opiela, HRDS-05; G.Schertz, CFL)



April 1, 2004

Mr. A. George Ostensen
Associate Administrator
Federal Highway Administration
Office Highway Safety
400 Seventh Street, S.W.
Washington, D.C. 20590

Dear George:

I am writing to you with regard to impending proposed rulemaking on minimum levels of retroreflectivity for traffic signs.

As you may know, the American Traffic Safety Services Association (ATSSA) has been a strong supporter of this congressional mandate and the insertion of specific language into the MUTCD. We believe that having this language, with the associated retroreflective values in the MUTCD, is a necessary and positive step in reducing highway fatalities and injuries.

We would formally request that your office issue an interpretation to us as to whether the impending rulemaking on minimum levels of retroreflectivity would be considered an "Unfunded Mandate."

Based on our understanding of the *Unfunded Mandate Reform Act of 1995*, we believe that the rulemaking will not be a financial burden to state and local agencies and therefore would not be considered an Unfunded Mandate.

We would also ask that your office provide us with all of the available financial resources that can be used to insure that traffic signs are legible during hours of darkness. ATSSA members want to better understand what funding is available in an effort to advance roadway safety.

Let me thank you in advance for your attention to this important matter.

Warmest regards,

David McKee
Director of Member Services